

REMARKS

After entry of this amendment, claims 29-33, 35-65, 68, 69, 74-77 and 80-116 (a total of 79 claims) are pending in the application. In this response and amendment, claims 1-28, 34, 66, 67, 70-73, 78 and 79 are canceled, claims 29-31, 35, 43, 44, 59-62, 64, 76 and 77 are amended, and claims 82-116 are added.

In the office action dated January 12, 2005, the examiner requires affirmation of applicant's election of Group II (claims 29-81) in response to the restriction requirement; rejects claims 29, 30, 66, 67, 70-73 and 76-79 under 35 U.S.C. 103(e) as unpatentable over Hopkins (US Patent No. 5,757,918) in view of Burger (US Patent No. 6,219,439). Further, the examiner allows claims 68, 69, 74, 75, 80 and 81; and objects to claims 31-65 as being dependent upon a rejected base claim, but would find these claims allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Restriction

Applicant affirms its election with traverse of Group II (claims 29-81) for examination, in response to the restriction requirement. Although applicant continues to traverse the restriction, applicant has canceled claims 1-28 solely to expedite prosecution of the application.

Claim Rejections – 35 USC § 103

Applicant respectfully traverses the examiner's rejection of claims 29, 30, 66, 67, 70-73 and 76-79 under 35 U.S.C. 103(e) as unpatentable over Hopkins (US Patent No. 5,757,918) in view of Burger (US Patent No. 6,219,439). Applicant, however, cancels claims 66, 67, 70-73, 78 and 79 for reasons unrelated to patentability.

Regarding independent claim 29, the examiner states that Hopkins does not explicitly disclose a recording pre-determined first remote site transaction data, but that Burger does disclose a recording pre-determined first remote site transaction data, at col. 8, lines 5-9. The examiner believes it obvious “to combine the Hopkins method with the Burger method in order to keep a log of access to a site” (page 3 of the Office Action).

Claim 29, as amended, is novel and unobvious over Hopkins in view of Burger. Neither Hopkins nor Burger, either alone or in combination, disclose, teach or suggest the recited features of claim 29. Column 8, lines 5-9, of Burger teaches that a “record of [] all activity with respect to the user and his or her trying to obtain access to [a site] will be recorded and logged for print out and archive capability.” Claim 29, as amended, recites features other than merely keeping “a log of access to a site,” which is the extent of the teaching or suggestion of Burger.

Claim 29 involves evaluating a status of the first remote site transaction data at the second remote site, including evaluating whether a differential between the first remote site transaction data and the status of the first remote site transaction data at the second remote site is within a preset range, or if no differential exists. This act of manipulating the transaction data, and evaluating a status of same, is not disclosed, taught, or suggested in Burger’s teaching of keeping “a log of access to a site.”

Further, the examiner states in his rejection that Hopkins “discloses the claimed invention [i.e., verifying pre-determined characteristics of a transporting entity] except for a second remote site. The examiner believes it obvious “to use a second remote site, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art.” (page 3 of the Office Action)

Claim 29 as amended does not involve a “mere duplication of the essential working parts of a device.” As mentioned above, in addition to verifying pre-determined characteristics of the transporting entity at the second remote site, an evaluation of the status of the first remote site transaction data at the second remote site occurs at the second remote site, including evaluating differential. These acts do not occur at the first site. Hence, claim 29 does not involve a mere duplication of the essential elements.

As such, claim 29 recites features other than merely keeping “a log of access to a site,” as taught by Burger, and involves more than a “mere duplication of the essential workings parts of a device,” as taught by Hopkins. Therefore, claim 29 is patentable over the prior art of record.

Regarding independent claim 30, applicant has amended this claim to include the subject matter noted as allowable in dependent claim 34. Accordingly, claim 34 has been canceled.

Regarding independent claim 76, applicant has amended this claim to include the features recited in claim 29 as amended. Accordingly, applicant submits that independent claim 76 as amended is patentable for at least the reasons articulated above for claim 29.

Regarding independent claim 77, applicant has amended this claim to include subject matter noted as allowable in dependent claim 64. Applicant therefore submits that independent claims 29, 30, 76 and 77 are patentable over the prior art of record, as neither Hopkins nor Burger, either alone or in combination, disclose all of the features of the respective claims, or show incentive, motivation, or suggestion for the present invention.

Applicant respectfully requests that the examiner withdraw the 35 U.S.C. §103 rejection of these claims.

Allowable Subject Matter

The examiner objects to claims objects to claims 31-65 as being dependent upon a rejected base claim, but would find these claims allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 31, 35, 43, 44, 59, 60, 61, 62 and 64 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 32 and 33 depend from rewritten and now independent claim 31; claims 36-42 depend from rewritten and now independent claim 35; claims 45 and 46 depend from rewritten and now independent claim 44. The subject matter noted as allowable in claim 34 has been incorporated into independent claim 30, with claims 47-58, 63 and 65 dependent on rewritten claim 30. Claim 34 is therefore canceled. Accordingly, applicant respectfully submits that claims 31-33 and 35-65 are now allowable.

Claims Added by this Response and Amendment

Claims 82-116 are added by this Response and Amendment to more completely and explicitly cover certain aspects of applicant's invention. Claims 82-89 each ultimately depend from independent claim 29, and recite features previously included in claims depending from claim 30 and characterized as allowable by the examiner in the office action (e.g., claim 82 aligning with claim 31; claim 83 with claim 34; claim 84 with claim 35; claim 85 with claim 46; claim 86 with claim 44; claim 87 with claim 45; claim 88 with claim 46; claim 89 with claims 50-53). Claims 90-100 simply recite computer-readable medium embodiments of various independent claims.

Independent claim 101 recites features characterized as allowable by the examiner in claim 35. Claims 102-107 depend from independent claim 101 and also recite features characterized as allowable by the examiner in claims 36-41, respectively (e.g., claim 102 aligning with claim 35; claim 103 with claim 37; etc.). Claim 103 simply recites a computer-readable medium embodiment of independent claim 101.

Independent claim 109 recites features characterized as allowable by the examiner in claims 43 and 45. Claims 110-113 depend from independent claim 109 and also recite features characterized as allowable by the examiner in the office action (e.g., claim 110 aligning with claim 57; claim 111 with claim 59; claim 112 with claim 60; and claim 113 with claims 44, 46 and 48). Claim 114 simply recites a computer-readable medium embodiment of independent claim 109.

Independent claim 115 recites features characterized as allowable by the examiner in claim 34. Dependent claim 116 simply recites a computer-readable medium embodiment of independent claim 115.

Accordingly, applicant submits that added claims 82-116 are patentable over the prior art of record, and find support in the specification, due to at least the existence of features of these claims being previously included in claims of the application as-filed, and because the features of these claims have been characterized as allowable in the office action.

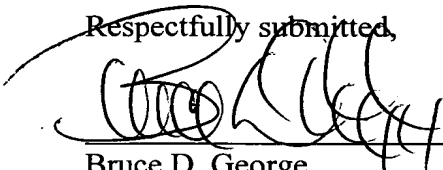
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CONCLUSION

In light of the above amendments and remarks, applicant submits that pending claims 29-33, 35-65, 68, 69, 74-77 and 80-116 (a total of 79 claims) are allowable and requests that examiner issue an early notice of allowance. The examiner is invited to call the undersigned attorney in the event that a telephone interview will advance prosecution of this application.

3/10/05
Date

Respectfully submitted,


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